

Exhibit 4

To the Zakarin Reply Declaration
in further support of
Extreme's motion for Summary Judgment

French, Charron L.

From: Zakarin, Donald S.
Sent: Monday, October 15, 2018 7:11 PM
To: Mick Marderosian
Cc: Heather Cohen; Wook Hwang; Bagley, Ross; Erin Smith Dennis (edennis@loeb.com); Kleiner, Yevgenia S.; Kate Holly
Subject: Re: Twelve Sixty v. Viacom

Mick:

While it's not my job, I believe it's 0010950, produced April 17. Perhaps Aron and Robert overlooked it.

Sent from my iPhone

On Oct 15, 2018, at 6:14 PM, Mick Marderosian <mgm@mcc-legal.com> wrote:

Don,

Please provide the Bates number ranges for the "extracts" you are referring to. thanks, mick

Mick Marderosian

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Website: www.mcc-legal.com

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From: Zakarin, Donald S. [<mailto:DZakarin@PRYORCASHMAN.com>]

Sent: Monday, October 15, 2018 2:18 PM

To: Heather Cohen; Mick Marderosian; 'Wook Hwang'

Cc: Bagley, Ross; Erin Smith Dennis (edennis@loeb.com); Kleiner, Yevgenia S.; Kate Holly

Subject: RE: Twelve Sixty v. Viacom

Heather:

I am happy to have a call on scheduling of the depositions. As I had said, one of our experts, who I had thought was going to be in LA during the week of November 5, may not be there but is available in NY the week of the 29th. So I would like to try to schedule him in NY. But we can discuss all logistics tomorrow.

As to PRS, as I had thought when I wrote to Mick on Friday, we have in fact produced all of the PRS information reflecting payments by PRS to any Extreme entity from the inception of any reports from PRS reflecting any performance income payable by PRS to our clients with respect to your clients' works through, I believe, March of 2018. We produced an extract which identified each payment from PRS with respect each work and there are in excess of 10,000 lines of data in that PRS extract. As I explained in Court last spring, Extreme gets statements from the PROs that are very large because it gets reports

on all works, not merely your clients' works. We were not going to assume the burden of redacting all information unrelated to your clients nor produce reports containing information having nothing to do with them. Thus, we produced instead extracts taken from the reports and those you have (but whomever has been reviewing our production – possibly your clients themselves – has overlooked this information).

I understand that we may have also unintentionally produced some PRS statements and possibly statements from other societies which may have been attached to emails. With over 125,000 pages of material produced, it does not surprise me that we might not always have removed statements attached to email traffic. But that inadvertent production was not the real responsive production which was done through the extracts and those you have. The fact that we may have also provided you with some statements does not change the fact that our full production on the subject is by way of the extracts we produced months ago.

As such, there is nothing missing from our production. You have it all (and more).

Donald S. Zakarin

Pryor Cashman, LLP

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New York, NY 10036

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dzakarin@pryorcashman.com

From: Heather Cohen [<mailto:hcohen@mcc-legal.com>]

Sent: Monday, October 15, 2018 4:58 PM

To: Mick Marderosian <mgm@mcc-legal.com>; 'Wook Hwang' <whwang@loeb.com>

Cc: Zakarin, Donald S. <DZakarin@PRYORCASHMAN.com>; Bagley, Ross <RBagley@PRYORCASHMAN.com>; Erin Smith Dennis (edennis@loeb.com) <edennis@loeb.com>; Kleiner, Yevgenia S. <YKleiner@PRYORCASHMAN.com>; Kate Holly <kate@mcc-legal.com>

Subject: RE: Twelve Sixty v. Viacom

Wook and Don-

I would like to arrange a conference call, preferably tomorrow before 12 noon EST to discuss expert deposition schedules and the outstanding issue pertaining to Extreme PRS documents and Viacom/Extreme semi-annual statements that are not in the production.

Let me know if you are available. Can also do anytime on Wednesday.

Heather

Heather S. Cohen

Email: heather@mcc-legal.com

Website: www.mcc-legal.com

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From: Mick Marderosian

Sent: Monday, October 15, 2018 7:53 AM

To: 'Wook Hwang' <whwang@loeb.com>

Cc: 'Donald S. Zakarin - Pryor Cashman LLP (dzakarin@pryorcashman.com)' <dzakarin@pryorcashman.com>; 'Ross M. Bagley - Pryor Cashman LLP (rbagley@pryorcashman.com)' <rbagley@pryorcashman.com>; Erin Smith Dennis (edennis@loeb.com) <edennis@loeb.com>; Heather Cohen <hcohen@mcc-legal.com>; Kleiner, Yevgenia S. (YKleiner@PRYORCASHMAN.com) <YKleiner@PRYORCASHMAN.com>; Kate Holly <kate@mcc-legal.com>; Heather Cohen <hcohen@mcc-legal.com>

Subject: RE: Twelve Sixty v. Viacom

Wook,

Extreme provided the 2012 and 2014 reports issued to Viacom. Therefore, we need to see the 2010, 2011, 2012, 2016, 2017 and thus far for 2018. These should have been provided in your original discovery responses, but were not. If you do not confirm today that you will produce (as also represented by you at the Viacom dep) and when, we will contact Judge Crotty. mick

Mick Marderosian

Email: mick@mcc-legal.com

Website: www.mcc-legal.com

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From: Mick Marderosian

Sent: Saturday, October 13, 2018 1:30 PM

To: Wook Hwang; Heather Cohen

Cc: Donald S. Zakarin - Pryor Cashman LLP (dzakarin@pryorcashman.com); Ross M. Bagley - Pryor Cashman LLP (rbagley@pryorcashman.com); Erin Smith Dennis (edennis@loeb.com); Heather Cohen; Kleiner, Yevgenia S. (YKleiner@PRYORCASHMAN.com); Kate Holly

Subject: RE: Twelve Sixty v. Viacom

Wook,

We have discovered a significant deficiency in your client's production of documents. Specifically, they have failed to produce all of the semi-annual income statements issued by Extreme to Viacom for the years 2010 to the present as referenced in the deposition of Anita Chinkes Ratner at pages 80-85. Contrary to your representations at the deposition, you have failed to produce the semi-annual reports for 2010, 2011, 2012, 2013, 2016 and 2017. We would also like to see the 2018 report produced for the first period of 2018. At the deposition of Anita Chinkes Ratner at pages 80-85 you also represented that all reports would be produced. They have not, and before we enter into any stipulations or commence expert depositions, I will need your client to immediately complete the production of these documents and carry through with what you represented at the Viacom 30(b)(6) deposition at pages 83 and 84 as referenced below. We have reports for 2014 and 2015 but do not have the reports for the years referenced above. Please produce them all immediately or we will be forced to seek court intervention. Thanks, mick

·MR. MARDEROSIAN:· Have these

19. . . . annual reports been produced, counsel?
20.MR. HWANG: We've produced them
21. . . . to you.
22.MR. MARDEROSIAN: You have
23. . . . produced them?
24.MR. HWANG: Yes.
25.MR. MARDEROSIAN: Okay. For

Page 84

1. . . .A. Ratner - Confidential
2. . that time period, 2010 to the present?
3. . . .MR. HWANG: I don't know what
4. . the specific time period is, but if
5. . you look and you see some issues with
6. . it, we can talk about it offline.
7. . . .MR. MARDEROSIAN: Okay.
8. . . .MR. HWANG: But certainly it's
9. . our intent to produce the income
10. . statements to you, yes.

Mick Marderosian

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Website: www.mcc-legal.com

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From: Wook Hwang <whwang@loeb.com>

Sent: Tuesday, October 09, 2018 11:10 AM

To: Heather Cohen <hcohen@mcc-legal.com>; Mick Marderosian <mgm@mcc-legal.com>

Cc: Donald S. Zakarin - Pryor Cashman LLP (<dzakarin@pryorcashman.com>

<dzakarin@pryorcashman.com>; Ross M. Bagley - Pryor Cashman LLP (<rbagley@pryorcashman.com>

<rbagley@pryorcashman.com>

Subject: FW: Twelve Sixty v. Viacom

Heather – Please advise as to status on the attached stipulation. If we can't reach agreement, we should figure that out soon, well before the close of discovery, to determine how to proceed. As I noted, I don't think we're trying to provide for anything different, and my changes should address your concerns. Adding Don and Ross to obtain their agreement to the new language.

Wook Hwang | Partner

LOEB & LOEB LLP | whwang@loeb.com

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From: Wook Hwang

Sent: Monday, September 24, 2018 8:31 PM

To: 'Heather Cohen' <hcohen@mcc-legal.com>

Cc: Mick Marderosian <mgm@mcc-legal.com>

Subject: RE: Twelve Sixty v. Viacom

Heather – Here is a revised stipulation, showing the changes in redline from my initial version and incorporating some of your changes in substance. I believe we are trying to get to the same place, but your draft is too vague and leaves open the possibility of yet another action against New Creative or New Remote. We obviously can't agree to that. Let me know if this works, or otherwise feel free to call so we can hash this out.

Wook Hwang | Partner

LOEB & LOEB LLP | whwang@loeb.com

345 Park Avenue | New York, NY 10154

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From: Heather Cohen <hcohen@mcc-legal.com>

Sent: Friday, September 14, 2018 5:17 PM

To: Wook Hwang <whwang@loeb.com>

Cc: Mick Marderosian <mgm@mcc-legal.com>

Subject: Twelve Sixty v. Viacom

Wook-

Here is where we are on the stip. As discussed, I want to make sure Plaintiffs are not jeopardized by dismissing New Creative. I am still running this by the clients and so I still need their approval but I wanted to provide this to you as promised. We can conference about it next week.

Heather

Heather S. Cohen

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Marderosian

&Cohen

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Zakarin, Donald S.

From: Mick Marderosian <mgm@mcc-legal.com>
Sent: Friday, October 12, 2018 6:53 PM
To: Zakarin, Donald S.
Cc: Heather Cohen; Wook Hwang (whwang@loeb.com); Erin Smith Dennis; Bagley, Ross; Kleiner, Yevgenia S.
Subject: RE: PRS Royalty Statements

Thanks Don. Have a good weekend. mick

Mick Marderosian

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-----Original Message-----

From: Zakarin, Donald S. <DZakarin@PRYORCASHMAN.com>
Sent: Friday, October 12, 2018 3:51 PM
To: Mick Marderosian <mgm@mcc-legal.com>
Cc: Heather Cohen <hcohen@mcc-legal.com>; Wook Hwang (whwang@loeb.com) <whwang@loeb.com>; Erin Smith Dennis <edennis@loeb.com>; Bagley, Ross <RBagley@PRYORCASHMAN.com>; Kleiner, Yevgenia S. <YKleiner@PRYORCASHMAN.com>
Subject: Re: PRS Royalty Statements

Mick:

I will check but I thought we did not produce statements but instead extracted information showing our payments for your client's works from the foreign Societies (and BMI) because the actual statements would have shown thousands of works, not just your clients. If information from periods are missing, either it was inadvertently omitted or there was no reported income to our clients on your client's works in the periods (or you have yourself just overlooked what has already been provided).

So I will follow up and let you know next week what the answer is.

Sent from my iPhone

> On Oct 12, 2018, at 6:41 PM, Mick Marderosian <mgm@mcc-legal.com> wrote:

>

> Dear Don,

> We have discovered a production deficiency by your clients. In this regard we have received the following PRS royalty statements for the time periods identified :

>

> For Extreme Music Limited :

> April 2012

> July 2012

> May 2014

> July 2014

> October 2014

> December 2014

> April 2015

> July 2015

> December 2015

> April 2016

>

> For Extreme Music Library Limited :

> December 2014

> July 2015

> May 2016

>

>

> We have not however received the following :

> 1. any statements for 2013 for EML or EMLL.

> 2. any statements for Oct/Dec 2012 for EML.

> 3. the October 2015 statement for EML, 4. the July/Oct/Dec 2016

> statements for EML.

> 5. lastly, we only received three statements for EMLL.

>

>

> According to PRS, they pay royalties to their members through four main distributions each year: in April, July, October and December.

>

> Please produce these documents.

>

> Thanks,

>

> Mick Marderosian

>

> Email: mick@mcc-legal.com

> Website: www.mcc-legal.com

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